REMARKS

Examiner Interview:

Two telephone interviews were conducted on April 12, 2006 and April 25, 2006, between the Examiner and Applicant's representatives to discuss the scope of the presently claimed invention. In the telephone interview conducted on April 25, 2006, it was agreed on that the Examiner would give a favorable consideration to Applicant's further amendments and remarks if claim 1 is amended to include the discussed subject matter.

Rejection Under the Judicially Created Doctrine of Obviousness-type Double Patenting

In the Office Action (Interview Summary) mailed on March 14, 2006, Claims 1-20 stand rejected under the judicially created doctrine of obviousness-type double patenting as purportedly unpatentable over claims 1-44 of copending U.S. Patent Application No., 09/828,463. In the interest of expediting prosecution, a Terminal Disclaimer over U.S. Patent Application No., 09/828,463 is filed herewith.

Response to Amendment

The amendment filed November 2, 2005, has been objected to under 35 U.S.C. 132 as it allegedly introduces new matter into the disclosure via the limitation "so that it can continue to function in the event of a loss of coupling with the network" in claims 2 and 13. Applicant respectfully submits that the recitation is supported in the specification, at page 4, lines 23-26, as discussed below. Furthermore, this recitation has been included in the original claim 2. As such, Applicant respectfully requests that the objection be withdrawn.

The Specification

The Office has suggested a new title "Scheduling data indicating when and how often advertising content is displayed for distribution and play." However, considering that the major functions of the presently claimed invention is distributing, scheduling, displaying (controlling) advertising contents, Applicant respectfully submits that the current title is clearly indicative of the invention. As such, the current title remains unchanged in the present amendment.

The specification has been objected to as failing to provide proper antecedent basis for the recitation "a tag associated with the scheduling data is stored with the advertising content," of claim 7.

Claim 7 has been amended to include a recitation "a signature associated with the scheduling data is stored with the advertising content." Support for the change can be found in the specification, at page 11, lines 7-14. Applicant respectfully requests that the objection be withdrawn.

The Drawings

The Office has requested that Applicant file new corrected drawings because Figures 1-8 do not show the claimed invention "a scheduling algorithm executed on the server for generating scheduling data utilizing the input preferences, the scheduling algorithm being based on predetermined methods of processing the input preferences; and the remote communicative device being capable of scheduling data so that it can continue to function in the event of a loss of coupling with the network." The Office has also requested that Applicant submit formal drawings for the screen-captured figures 4-9.

To address the objection of drawings, FIG. 2 has been amended to include a scheduling algorithm in the server. Support for the scheduling algorithm executed by the server can be found in the abstract and claim 1 as filed, for example. Also, as the display controller contains software components that mirror those on the server (at page 14, lines 26-32), the same scheduling algorithm is added in the display controller. The copending US Patent Application Ser. No. 09,828,463, entitled "Method and System for Electronically Distributing, Displaying and Controlling Advertising and Other Communicative Media" and incorporated by reference (page 1, lines 12-15), discloses that "the present invention is related to...an improved method and system ...for managing scheduling conflicts that result from the application of multiple scheduling algorithms within a comprehensive scheduling system." As such, it is clear that the display controller includes a scheduling algorithm which mirrors that of the server. Accordingly, no new matter has been introduced by amended Figure 2. Also, formal drawings for the screen captured figures 4-9 have been included in the present amendment. Accordingly, withdrawal of the objection is respectfully requested.

Claims:

Claims 1 and 3-12 are pending. The subject matter of claim 2 has been incorporated in claim 1, and claim 2 has been canceled. Claims 13-20 have been canceled as unnecessary. Claims 1, 3, and 7 been amended to improve readability and to clarify them.

Claim objections

Claims 1 and 13 have been objected to because of the alleged informalities in the use of the definite article "the": "the distribution and play," and "the group consisting of."

In regard to the recitation "the distribution and play," Applicant respectfully protests that the definite article "the" is proper. However, in order to comply with the Office's requirement and to expedite prosecution, the definite article "the" is replaced by an indefinite article "a." Claim 1 has been amended to replace a phrase "selected from the group consisting of" into "including." As such, Applicant respectfully requests that the objection be withdrawn.

Claim Rejections – 35 USC §112

Claims 2 and 13 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

In rejecting claim 2 and 13, the Office has stated:

> The specification does not contain subject matter to implement limitations, "so that it can continue to function in the event of a loss of coupling with the network" as recited in claims 2 and 13. The specification, for example, page 4, lines 23-26, clearly state, "in the event of a loss of network communication with the central control system, the display controller can continue to operate effectively and may still receive control information from the local network controller and local control systems," which also does not support claimed limitation, "so that it can continue to function in the event of a loss of coupling with the network."

Applicant respectfully disagrees. As supported by the specification, at page 4, lines 23-26, and Figure 1, the display controller (4) (or, equivalently, remote communicative device) is coupled to the central control system (i.e., the controller (30) of the server (0) in Figure 2) via the network (6) and can continue to operate in

the event of a loss of network communication. As such, Applicant respectfully submits that the specification supports the recitation "so that it can continue to function in the event of a loss of coupling with the network."

To rephrase the recitation, claim 1 has been amended and includes "so that said remote communicative device can continue to function in the event of a loss of network communication with the server." As such, Applicant respectfully submits that the rejection be withdrawn.

Claim Rejections – 35 USC §103(a)

Claims 1, 2, 4-13, and 15-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Stone et al. (US 6,446,045, hereinafter Stone) in view of Debey (US Patent Application Publication 2004/0064497) and "Official Notice."

In rejecting claim 1, the Office asserts that Stone discloses a system for scheduling the distribution of content on remote display devices utilizing a network, comprising: a data base for storing the advertising content...; a server coupled to the database...being capable of receiving input preferences relating to play scheduling parameters selected from the group consisting of frequency, interval, time of play, trigger events, and category filtering; a scheduling algorithm executed on the server for generating scheduling data utilizing the input preferences...; and a network for distributing the advertising content... and the scheduling data...." Applicant respectfully traverses.

The Stone patent discloses a system that allows sellers to present/publish their inventory products and services in one or more media outlets. The system provides two types of publishing; "urgent publishing" and "standard publishing." Standard publishing would be processed as a batch at a preset low-traffic or low utilization time (col. 19, l. 34-65). Clearly, the Stone system does not disclose the specifics of the recitations of claim 1: "a scheduling algorithm...for generating scheduling data utilizing the input preferences" and "input preferences relating to play scheduling parameters selected from the group consisting of frequency, interval, time of play, trigger event and category filtering." Debey discloses a scheduling and routing computer that responds to a subscriber request for a particular program by retrieving the video program from the appropriate storage media and dividing the video program into a plurality of video segments (or video packets). The computer then schedules the plurality of video segments of the video program in accordance

with a scheduling algorithm, where the algorithm produces the packet delivery sequences. Even though Debey discloses the concept of play content on remote devices and usage of play scheduling parameters, Debey is silent on the specifics of the recitations discussed above.

The Office has also stated:

> "Official Notice" has been taken that both the concept and advantages of providing scheduling data indicating when and how often the advertising content is to be displayed/displaying in the plurality of remote display devices is well known and expected in the art. For example, Wade, 2002/0019831 discloses these limitations (e.g., paragraph 70), Shaw et al., 2001/0005855 also discloses these limitations (e.g., paragraph 146), Thompson, 5,881,245, also discloses these limitations (e.g., col., 6, lines 11 —33), Marsh et al., 6,876,974, also discloses these limitations (e.g., figures 1, 5, 8); Ledbetter, 2002/0056121 also discloses these limitations (e.g.., paragraphs 8 and 18), Klosterman et al., 2002/0092017, also discloses these limitations (e.g., paragraphs 38 and 48); Bezos et al., 2003/0055729, also discloses these limitations (e.g., paragraphs 17, 40, 42); DiFranza et al., 2002/0112925, also discloses these limitations (e.g., paragraphs, 44, 68); Klayh, 2003/0103644, also . discloses these limitations (e.g., paragraph 178, figures 1-3); Doherty 2003/0200128, also discloses these limitations (e.g., paragraphs 52 and 57), Nishiyama et al., 2004/0172655 also discloses these limitations (e.g., paragraphs 69, 204, 295, figures 2, 3, 6, 7,9, 11-16); Flickinger 2005/0283796 also discloses these limitations (e.g., abstract); Hankla, 2001/0032122, also discloses these limitations (e.g., paragraph 25, figure 1), Cannon, 2001/0020236, also discloses these limitations (e.g., paragraphs 40, 384, figure 4), Nishiyama et al. 6,725,460, also discloses these limitations (e.g., figures 2, 3, 6, 7, 9, 11-16), Smith, 6,502,076, also discloses these limitations (e.g., col., 2, line 51 — col., 3, line 34).

A review of the additionally cited references reveals that such references do not teach the presently claimed invention nor cure the deficiencies of Stone and Debey in failing to teach the presently claimed invention, as explained above. Furthermore, there is teaching in any reference that would motivate a skilled artisan to combine the teachings of any one or more of the cited references to arrive at Applicant's invention. As the cited references, taken individually or in combination, do not teach or suggest all the limitations of the claimed invention, Applicant respectfully submits that a *prima facie* case of obviousness has not been established, and claim 1 is patentable.

To further differentiate the present claims from the cited references, the subject matter of claim 2 has been incorporated into claim 1. Amended claim 1 now recites:

> 1. A system to schedule a distribution and play of advertising content on remote display devices utilizing a network, comprising:
>
> . . .
>
> (b) a server...<u>said server including a set of specialized software components adapted to work with each other to complete the server's tasks</u>;
> (c) <u>a plurality of remote display devices to dynamically display the advertising content</u>;
> (d) a scheduling algorithm...being based on predetermined methods of processing the input references <u>in order to vary the advertising content after the advertising content is deployed for each of the plurality of display devices individually</u>;
> (e) a <u>centralized</u> network <u>supported by high speed data links</u>...said scheduling data indicating when and how often the advertising content is to be displayed in each of the plurality of remote display devices <u>individually without restricting all the display devices to present the advertising content simultaneously</u>; and
> (f) <u>at least one remote communicative device coupled to the network to receive and respond to the scheduling data to communicate the advertising content to at least one of the plurality of remote display devices, said remote communicative device including a set of specialized software components that mirror said set of software components and said scheduling algorithm, said remote communicative device being capable of storing said advertising content and said scheduling data so that said remote communicative device can continue to function in the event of a loss of network communication with the server.</u> (Emphasis added.)

Support for the change can be found in the specification, page 4, lines 23-26, page 9, lines 17-20, page 14, lines 26-30, and Figure 2, for example. In light of the changes, Applicant respectfully submits claim 1 is patentable. Claims 3-12 depend from claim 1, rendering them also patentable for at least the same reasons.

In rejecting claims 2, 4, 5, 6, 9, 10, 11, 13, 15, 16, 17, and 18, the Office has stated that "Stone and Debey disclose the claimed limitations as rejected above." Then, the Office has asserted that Stone allegedly discloses the recitations of 2, 4, 5, 6, 9, 10, 11, 13, 15, 16, 17, and 18.

This rejection is predicated on the erroneous characterization of Stone and Debey, which is respectfully traversed, as pointed out above. As such, Applicant respectfully submits that the rejection lacks foundation and must be withdrawn.

In rejecting claims 7, 8, 12, 19, and 20, the Office has stated that "Stone teaches the claimed limitations as rejected above. However, Stone and Debey do not specifically mention about the claimed subject matter of claims 7, 8, 12, 19, and [20]. 'Official Notice' is taken that ...."

This rejection is predicated on the erroneous characterization of Stone, which is respectfully traversed, as pointed out above. As such, Applicant respectfully submits that the rejection lacks foundation and must be withdrawn.

Claims 3 and 14 have been rejected under U.S.C. 103(a) as being unpatentable over Stone, Debey and "Official Notice" in view of Gehani et al. (US 5,802,062).

Again, this rejection is predicated on the erroneous characterization of Stone and Debey, which is respectfully traversed, as pointed out above. As such, Applicant respectfully submits that the rejection lacks foundation and must be withdrawn.

Conclusion

Based on the reasons as set forth above, Applicant respectfully requests allowance of all pending claims.

In the event that there are any questions concerning this paper, or the application in general, the Examiner is respectfully urged to telephone Applicant's undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

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Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 2 and 4-9.
These sheets, which include Figures 2 and 4-9, replace the original sheets including
Figures 2 and 4-9.

Attachment: Replacement Sheets